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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,095	04/25/2000	Simon Antony James Holdsworth	GB990104US1	9369

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EXAMINER
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TODD, GREGORY G

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 10/27/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/558,095

Applicant(s)

HOLDSWORTH ET AL.

Examiner

Gregory G Todd

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 9-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This is a third office action in response to applicant's amendment filed, 07 August 2003, of application filed, with the above serial number, on 25 April 2000 in which claims 1-8 have been cancelled and claims 9-12 have been added. Claims 9-12 are therefore pending in the application.

#### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the unique series of data processing nodes and a message transformation node and a second publication point data processing node is not followed by a message transformation node must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Specification***

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The series of other data processing nodes and further, the unique series of data processing nodes are not sufficiently described in the specification to define the limitations therein.

***Claim Objections***

3. Claim 11 is objected to because of the following informalities: In line 4, the limitation ending in "message:" does not appear to act as a preamble for the selecting step. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 11 recites the limitation "the publisher applications" in line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 9 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by McLaughlin et al (hereinafter "McLaughlin", 6,405,266).

McLaughlin teaches the invention as claimed including a system and method for processing messages between a publisher and a subscriber according to each individual publisher (see abstract).

8. As per Claim 9 and 12, McLaughlin discloses a method and computer program product (CDA app) for publishing a data message from a publisher application to a subscriber application via a broker, wherein McLaughlin discloses:

selecting a specific publication point data processing node of the broker from amongst a plurality of such publication point data processing nodes, a publication point data processing node being an entry point data processing node of the broker, such entry point node being followed by a series of other data processing nodes where each node in the series carries out a specific data processing operation, where each publication point data processing node of said plurality of publication point data processing nodes is followed by a unique series of data processing nodes unique to the respective publication point data processing node (publisher node being subscribed to specific data from a publisher controller via series of processor controllers) (at least col. 6 line 47 - col. 7 line 26; Fig. 1); and

communicating with the broker via the selected publication point data processing node, in order to publish the data message via the broker, with the broker carrying out the data processing operation corresponding to the unique series of data processing nodes unique to the selected publication point data processing node (data being sent from publisher to subscriber) (at least col. 6, lines 47-65).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin in view of Hamlin (hereinafter "Hamlin", 6,310,888).

11. As per Claim 10.

McLaughlin discloses a second and all processing nodes not being followed by a message transformation node but does **not** disclose a first publication point data processing node being followed by a message transformation node. However, the use and advantages for using such processing is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Hamlin (at least col. 4, lines 4-26; col. 6, lines 43-67). Hamlin clearly discloses a broker process converting data from each source format corresponding to the address of the source application (at least Hamlin Fig. 3, 8, abstract; col. 1, lines 57-62; col. 2, lines 59-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Hamlin's broker conversion system onto McLaughlin's publish/subscribe system because this would allow the subscriber to get the data they are subscribing to in a format they can understand and allow different and foreign publishers to have a wider subscriber base depending on subscriber preferences.

12. As per Claim 11.

McLaughlin, as discussed with Claim 10, fails to disclose message transformation, however, McLaughlin clearly discloses choosing a publication controller or node depending on the specific data that the subscriber desires, and thus in view of Hamlin, whether the data is to be transformed or converted and subscribing to that node accordingly (at least col. 6, lines 47-65).

### ***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

14. Newly cited Trenbeath et al in addition to previously cited Schultz et al, Bracho et al, Bamforth et al, Bass et al ('266), Bolam et al, Bass et al ('956), Bhatt et al, and Holland are cited for disclosing pertinent information related to the claimed invention.

Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory G Todd whose telephone number is (703)305-5343. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Gregory Todd

Patent Examiner

Technology Center 2100

  
ARIO ETIENNE  
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